



**Federal Aviation  
Administration**

## THE CHIEF COUNSEL OFFICE

*Federal Aviation Administration*

### *Fiscal Year 2006 Business Plan*

# 2006 AGC Business Plan

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## 2006 AGC Business Plan

The Federal Aviation Administration (FAA) is responsible for promoting safety in civil aviation and providing an efficient air traffic system that meets the needs of a wide range of stakeholders.

Within the FAA, the Office of the Chief Counsel (AGC) is responsible for furnishing legal services to the FAA Administrator and all agency organizations worldwide. The principal areas of AGC's legal practice include: legislation, international affairs, enforcement, regulations, procurement, airports and environmental law, personnel and labor law, litigation, and general law applicable to the executive branch (such as Freedom of Information Act (FOIA) and Privacy Act compliance). Also within AGC, the Associate Chief Counsel for Alternative Dispute Resolution (ADR) is the FAA's Dispute Resolution Specialist and is responsible for implementing the provisions of the Administrative Dispute Resolution Act within the agency. AGC attorneys represent the agency before a variety of forums, including the National Transportation Safety Board (NTSB), the Merit Systems Protection Board (MSPB), the Equal Employment Opportunity Commission (EEOC), the FAA's Office of Dispute Resolution for Acquisition (ODRA), and the United States federal courts. AGC also works closely with the Office of the General Counsel of the Department of Transportation on issues that are common to modal administrations or that are of national significance to the aviation industry.

AGC's practice areas and program responsibilities are integrally tied to the goals of the FAA's Flight Plan. In the enforcement arena, AGC shares program responsibility with several offices within FAA, including the Office of Aviation Safety (AVS), the Office of Security and Hazardous Materials (ASH), and the Office of Airports (ARP), for the agency's enforcement policies and programs. AGC attorneys prosecute all manner of enforcement actions and represent the FAA on such matters before the NTSB, the FAA Decisionmaker, and the federal courts. A major objective for AGC in the next year will continue to be supporting the targeted enforcement and oversight program, which is intended to focus our resources on the most significant cases, especially those with the highest safety risk.

In the capacity arena, the Office of the Chief Counsel is responsible for the Slot Management Program and, as such, can help implement agency policy designed to relieve congestion at key airports as well as related competition goals of the Office of the Secretary of

Transportation (OST). Establishing a long term solution for managing access constrained airports will be one of FAA's primary initiatives for the next year. AGC will continue work on rulemaking or other actions designed to relieve flight delays at congested airports such as Chicago's O'Hare Airport and New York's LaGuardia Airport. Separately, AGC also plays a vital role in advising the Office of Airports and the Air Traffic Organization on the legal and environmental implications of runway expansions, terminal improvements and the redesign of the national airspace. In addition, AGC will actively assist in the development of an expedited Air Tour Management Plan process as part of the overall implementation of the National Parks Air Tour Management Act of 2000.

AGC procurement attorneys support an independent acquisition management system. The procurement legal staff works with primary clients to acquire safety and capacity enhancing equipment and technology needed to support the agency flight plan, advises on other types of transactions such as grants, cooperative agreements, and other agreements, provides training on intellectual property matters, and represents the agency in acquisition-related litigation and disputes. Finally, the procurement legal staff provides strategic counsel to FAA's senior management on major acquisitions and provides advice on key fiscal law and appropriation issues. Separate and distinct from the procurement legal staff, the Office of Dispute Resolution for Acquisition (ODRA), provides an administrative adjudication forum for all bid protest and claims. In the international arena, AGC develops the agency position on international law issues, and serves as a liaison for FAA international aviation legal matters with other government agencies and industry.

In support of the agency's overall goal of achieving organizational excellence, AGC is increasing its focus on proactive counseling in an effort to prevent legal problems before they occur, working to increase agency productivity and improve the agency's effectiveness. AGC will work with the Office of Civil Rights and the Office of Human Resource Management to create a memorandum of agreement that ensures legal advice is sought and provided early in the development of significant civil rights and personnel policies, thereby minimizing the legal risk presented by such policies. Moreover, as the office with program responsibility for ethics, AGC will continue to spearhead an effort to automate filing of financial disclosure forms by agency employees, thereby contributing to employee productivity. Finally, while continuing to work with AVS to improve the rulemaking process, AGC will implement an internal program to

process, AGC will implement an internal program to reduce the backlog of pending requests for interpretations and routinely will post new interpretations on a public website. The reduction in backlog and public availability will improve the agency's effectiveness.

## Increased Safety

The compliance and enforcement program is a core activity of the Office of the Chief Counsel. We prosecute cases referred by the Flight Standards Service, Aircraft Certification Service, the Office of Aerospace Medicine, the Office of Security and Hazardous Materials, the Office of Airports, and the Office of Commercial Space Transportation. Handling these cases involves review of enforcement investigative reports from these offices, issuing the charging documents, and litigating cases before the NTSB, the FAA Decisionmaker, and the federal courts.

We also support the development and implementation of voluntary programs to gain safety information, which provides the basis for interventions to prevent accidents from happening. For example, we provide legal advice and drafting services in support of programs such as the Aviation Safety Action Program (ASAP), Voluntary Disclosure Reporting Program (VDRP), and Flight Operational Quality Assurance (FOQA) program.

In addition to accomplishing our customary enforcement caseload, our business planning efforts over the past two years have generated several significant achievements in the enforcement and compliance safety arena. Among our more notable accomplishments, was the comprehensive and long overdue re-write of the agency's Enforcement and Compliance Order, 2150.3B, which had not been updated since 1988. The re-write extensively updated agency procedures, guidance and policy. The order will go into final agency coordination in FY 05 and field training will be initiated during the same year. This year AGC will help develop a curriculum and training material, and will conduct refresher enforcement and compliance training for front-line investigative personnel.

Additionally, in conjunction with our major clients in the AVS line of business, AGC

contributed significantly to developing and implementing a targeted enforcement program. The targeted enforcement program allows the agency to apply more resources to the identification and prosecution of cases that present the greatest risk to aviation safety. During FY 04, an enforcement strategy was devised, an enforcement decision tool developed along with policy and criteria for implementation, and coordinated within the agency. During FY 05, the Enforcement and Compliance Order will be revised to include targeted enforcement and training for field personnel will be developed and delivered. This year AGC will work with AVS to implement the targeted enforcement program and develop a plan to evaluate the effectiveness of enforcement decision tool.

FAA regulations are one of the agency's primary means of ensuring safety in air commerce and commercial space. The outcome of these activities is increased aviation safety. Activities include the provision of guidance and legal sufficiency review to program offices within the agency, legal counsel regarding the drafting, form and legality of regulations, orders, exemptions, airspace actions and obstruction evaluation determinations; interpretations of FAA regulations; development and recommendation of agency policy and standards relating to the legal aspects of agency rulemaking program; liaison with OST on legal aspects of the agency's regulatory program; and program responsibility for the Slot Management System.

During FY 05, AGC continued to place a heavy emphasis on improving the overall rulemaking process primarily by increasing our communication efforts and implementing lessons learned. AGC senior management implemented a process of meeting regularly with senior program office staff to develop strategies to improve relationships. Moreover, AGC management began meeting with Department of Transportation staff and Office of Management and Budget staff to identify and address substantive and/or organization issues that in the past impeded FAA's rulemaking activity. We've also established specific targets for completing significant rulemakings against which we will measure our progress. In addition to continuing those improvements,

In addition to continuing those improvements, in FY 06 AGC will implement measures to reduce the current backlog of request from the public for interpretations of FAA regulations. Newly issued interpretations will be made publicly available on the agency web site and hopefully will result in fewer future requests.

The Litigation group provides legal services to FAA and its employees in aircraft accident investigations and associated litigation; processes tort claims; secures DOJ representation for FAA employees sued in their individual capacities; assists DOJ in defending wrongful death, personal injury and property damage lawsuits; represents the FAA before federal courts of appeals in some petitions to review agency orders; handles requests for employee testimony in private litigation matters; and prepares the Administrator's opinions in civil penalty cases appealed from decisions issued by ALJs.

## **Core Business Measure:**

### **Compliance and Enforcement**

Prioritize and prosecute enforcement actions in accordance with the agency's safety goals; support the development and implementation of voluntary safety programs.

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#### **Core Business Function: Legal Services Supporting the Agency Compliance and Enforcement Program**

Provide legal support for the compliance and enforcement activities of AVS, ASH, ARP, and AST. Bring legal enforcement actions, that is, certificate and civil penalty actions, against those who violate the FAA's statute and regulations and the Hazardous Materials Transportation Act and the hazardous materials transpiration regulations. Litigate enforcement cases before the National Transportation Safety Board, FAA Decisionmaker and the federal courts. Provide timely and effective legal advice and policy

document review in support of enforcement activities and the development and implementation of voluntary safety programs.

#### **Core Business Activity: Legal Enforcement Actions**

Bring timely legal enforcement actions in support of the enforcement activities of AVS, ASH, ARP and AST.

##### **Target:**

Target 1: During FY 2006, initiate at least 75% of the number of cases referred to AGC for enforcement action during FY 2005.

#### **Core Business Activity: Targeted Enforcement**

As part of the Compliance Review Team (CRT), develop a plan to evaluate Targeted Enforcement and use of the Enforcement Decision Tool.

##### **Target:**

Activity Target 1: Develop activity target dates within 60 days after CRT provides guidance.

#### **Core Business Activity: Refresher Training for Investigative Personnel**

Conduct Refresher Compliance and Enforcement Program training/feedback session for enforcement investigative personnel.

##### **Targets:**

Target 1: Establish workgroup, consisting of headquarters and regional attorneys by November 18, 2005.

Target 2: Develop curriculum and training materials, including coordination with AGC-300, AMC-7, and regional counsel by March 31, 2006.

Target 3: Conduct sessions at 3 Flight Standards District Offices, 2 Security and Hazardous Materials offices, 2 Airports regional offices, 1

Manufacturing Inspection District Office, 1 Drug Abatement Center, and 2 Regional Flight Surgeon's offices by September 15, 2006.

#### **Core Business Activity: Case Tracking**

Develop monthly workload distribution reports tracking the processing of enforcement cases to facilitate the more effective and efficient handling of cases.

##### **Targets:**

Target 1: Establish workgroup consisting of headquarters and regional attorneys. Define the parameters that require measurement, e.g., time for initiation and the aging of cases by December 31, 2005.

Target 2: Develop standard reports from EIS with the assistance of AFS-620 by March 31, 2006.

Target 3: Collect data beginning March 31, 2006, review for sufficiency, and make changes to reports beginning in FY 2007, if necessary by September 15, 2006.

#### **Core Business Activity: Prioritize Handling of Enforcement Cases**

Identify clear priorities for handling enforcement cases to focus resources on cases that have the greatest safety risk.

##### **Targets:**

Target 1: Develop a system to categorize incoming cases as to their priority by November 30, 2005.

Target 2: Issue guidance to Regional Counsel by December 31, 2005.

Target 3: Review a sampling of the cases designated with the highest priority during the period January 1-June 30, 2006 to evaluate how they have been handled by September 15, 2006.

#### **Core Business Activity: Control of Operations Issues**

Support the Flight Standards Service in its efforts to oversee air carriers in their responsibility to maintain control of their operations.

##### **Targets:**

Target 1: Assist Flight Standards in determining whether rules, policies, and guidance materials relating to operational control issues should be revised by February 28, 2006.

Target 2: Establish milestones for revising rules, policies, and guidance materials by March 31, 2006.

### **Core Business Measure:**

#### **Rulemaking Legal Services**

Work with primary clients to ensure that rulemaking projects meet legal standards and are prioritized in a manner that achieve the goals of the flight plan. Provide the regulated community with timely guidance in response to requests for interpretations.

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#### **Core Business Function: Agency Rulemaking Activity & Improvements**

Support agency rulemaking activities and improvements by ensuring rules meet legal standards, provide legal services in accordance with flight plan and client priorities, improve the overall rulemaking process and identify regulatory process improvements.

#### **Core Business Activity: Regulatory Legal Services in Accordance With Agency Priorities**

Provide broad range of legal advice, representation, policy guidance, and legal sufficiency reviews relating to rulemaking and ensure, through regular formal meetings, that the services are provided in a manner that reflects the



priorities of the Administrator, the flight plan and the offices' primary clients.

**Target:**

Target 1: Provide legal services and meet regularly with primary clients to formally identify priorities, address type of legal support needed to advance the projects, obtain client feedback on support provided and reassess service being provided, as appropriate.

**Core Business Activity: Assist ARM in Meeting Rulemaking Schedules**

Assist ARM in completing 80% of significant rules within 90 days of original due date to OST and assist in effectively managing the FAA's Petition for Exemption Process.

**Target:**

Target 1: 80% of significant rules will meet out of agency dates within 90 days of originally scheduled date.

**Core Business Activity: Reduce the Backlog of Outstanding Requests for Interpretations**

Implement measures to address the current backlog of requests from the public for interpretations of FAA regulations.

**Targets:**

Target 1: Reduce all requests pending for more than 120 days by 50% by January 1, 2006.  
Target 2: Implement a legal interpretation tracking system by December 1, 2005, with a goal of issuing interpretations within 120 days of receipt of the incoming request.

**Core Business Activity: Air Tour Management Plans**

Implement an Expedited Process for Air Tour Management Plans to Comply with the National Parks Air Tour Management Act of 2000.

**Target:**

Target 1: Initiate the development of the Great Smoky Mountains National Park ATMP using an aviation rulemaking committee approach by December 2005.

## **Core Business Measure:**

### **Litigation Services**

Provide representational legal services relating to accident investigations and related litigation, secures DOJ representation, represent the agency in federal district and appeal courts, processes tort claims, serves as liaison with NTSB on accident matters, provides general legal services functions, and prepares the Administrator's opinions in civil penalty cases.

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### **Core Business Function: Litigation Legal Services**

Provide timely representational legal services to the agency relating primarily to aircraft accidents in federal forums and assists the Administrator in the adjudication of civil penalty cases and keeps the administrator apprised of agency's contingent liability.

**Core Business Activity: Timely Provision Of Representational Legal Services.**

Ensure that representational legal services are provided in a timely manner.

**Targets:**

Target 1: Identify nature of claim within 2 days of receipt.  
Target 2: Prepare claims analysis within 6 months of receipt of claim.  
Target 3: Prepare proposed answers or responses within 50 days of filing of complaint.

**Core Business Activity: Contingent Liability**

Monitors agency contingent liability and keeps the Chief Counsel and Administrator apprised of potential agency exposure.

**Targets:**

Target 1: Coordinate with AFM litigation liability response and resolve outstanding issues with AFM and auditor 2 weeks before each quarterly submission.

Target 2: Complete report to meet quarterly deadline and, as necessary, keep the Administrator, Deputy Administrator and ATO apprised of significant changes and potential future liability likely to affect the agency.

## Greater Capacity

In order to help achieve FAA's capacity related goals, the Office of the Chief Counsel provides legal services to internal and external customers. Activities include providing client counseling, legal document review and litigation support for environmental documentation prepared by various lines of business in order to minimize the legal risks associated with FAA capacity enhancement activities and FAA-funded Airport Development impacts. Additionally, the legal staff provides the office of Associate Administrator for Airports (ARP) legal services in support of FAA-funded airport developments such as new airports and runways; provides legal support to AT organization relating to terminal and enroute airspace design projects; provides legal support to AFS relating to decision to approve new air carrier operations at airports, as well as, development of air tour management plans over National Parklands; provides legal services to AAF pertaining to decisions to locate and install new electronic navigation aids support safe and efficient use of navigable airspace. In the capacity arena, the office of the Chief Counsel is responsible for the Slot Management Program.

As in the past two years, we will continue to focus our capacity enhancing efforts on expediting environmental legal reviews and addressing capacity restrictions at O'Hare and

other congested airports. During FY 04-05, AGC increased its environmental law capacity by hiring and training 11 environmental attorneys whose positions were created by AIP funding. This year we are committed to maintaining established milestones to assure timely completion of EIS related to Philadelphia, St. George, Ft. Lauderdale, Washington Dulles and new South Suburban Airport. We will also be working with our primary client to develop an appropriate measure to evaluate the effectiveness of agency streamlining activities and will publish the results.

In conjunction with AEP, AGC continues to pursue rulemaking and other actions designed to relieve flight delays at O'Hare and other congested airports. A draft rule project record was developed in FY 04 and a presentation outlining critical policy issues was made to the DOT. In FY 05, we assisted AEP in drafting a notice of proposed rulemaking and this year will submit a final rule addressing O'Hare congestion to OST by November 2005.

The Procurement legal services group provides the agency the legal services necessary to implement an independent acquisition management system including working with primary clients to acquire safety and capacity enhancing equipment, services, intellectual and real property needed to support the agency flight plan; supporting all agency procurement activities valued over \$100,000 and advising on other types of transactions such as grants, cooperative agreements, other agreements and representing the agency in acquisition related litigation and disputes. The procurement legal services group also provides the commercial services needed to support the agency's information security and other President's Management Agenda goals. The Office of Dispute Resolution for Acquisition (ODRA) serves as the Administrator's administrative adjudicatory body in acquisition-related matters and ensures that acquisition conflicts are resolved through alternative dispute resolution processes or promptly adjudicated. ODRA provides timely, efficient and accessible dispute resolutions processes to resolve acquisition related conflicts.



## **Core Business Measure:**

### **Airport and Environmental Legal Services**

Provide broad range of timely and effective legal advice, litigation support, policy and regulatory guidance, and legal sufficiency reviews related to environmental review of airport capacity and capacity-related projects and administration of the \$3 billion airport improvement program (AIP), the passenger facility charge program, and the airport compliance program.

Provide legal services in a manner that reflects the priorities of the Administrator, the Flight Plan, and the offices' primary clients and environmental streamlining initiatives. Vigorously enforce compliance with federal grant assurance obligations relating to access and revenue use and support the use of all available legal remedies to preserve existing capacity in the national airport system.

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### **Core Business Function: Legal Services to Airport & Environmental Program Offices**

Provide legal support necessary to streamline and complete environmental reviews for airport capacity and capacity-related projects on a timely basis. Provide legal support for efficient administration of the AIP, the airport compliance program, and the passenger facility charge program, including legal sufficiency review of policy and regulatory guidance, Part 16 determinations, and PFC decisions.

### **Core Business Activity: Environmental Law Services to Airport & Environmental Program Offices**

Advise environmental impact statement review teams and provide legal

sufficiency review of Environmental Impact Statements for projects subject to streamlined review under Executive Order 13274, Environmental Stewardship and Transportation Infrastructure Projects (Philadelphia and St. George) and under Vision 100 (Ft. Lauderdale) and for projects in congested metropolitan areas in FY 2006 (Washington Dulles and new South Suburban Airport), consistent with the intent of the National Environmental Policy Act and support the Integrated Product Team for the NGATS.

### **Targets:**

Target 1: In cooperation with the Office of Airports, on an ongoing basis develop schedules and milestones for completion of the five EISs described above, including adjustments as needed. Obtain or prepare and circulate a master schedule for these projects to managers and attorneys in AGC by October 31, 2005.

Target 2: Monitor and maintain scheduled progress according to established milestones to assure timely completion of the five EISs described above.

Target 3: Support Integrated Product Team for the NGATS.

### **Core Business Activity: Airport Law Services to Office of Airports Program**

Review Part 16 complaints for legal sufficiency

### **Targets:**

Target 1: Docket or dismiss complaints filed pursuant to 14 C.F.R. Part 16, Rules of Practice for Federally-Assisted Airport Enforcement Proceedings, within 20 calendar days 70% of the time.

Target 2: Provide monthly reports by email to the Deputy Chief Counsel,

AGC-3, with a copy to the Assistant Chief Counsel for Administrative Law concerning the dates that Part 16 complaints are received and dismissed or docketed.

**Core Business Activity: Develop Criteria to Measure Effectiveness of Environmental Streamlining**

Develop criteria to measure effectiveness and timeliness of environmental reviews for airport development projects, and use these criteria to evaluate environmental streamlining initiatives to date, including acquisition of additional environmental staff.

**Targets:**

Target 1: Establish work group to consist of personnel from AGC and Airports; identify team lead; and assign responsibilities within team. Establish criteria to measure effectiveness and timeliness of environmental projects by February 28, 2006.

Target 2: Use criteria to measure and prepare report evaluating effectiveness of streamlining initiatives; post on AGC and/or ARP public websites showing effectiveness of streamlining initiatives by May 31, 2006.

Target 3: Recommend changes if any, to legal processing of environmental projects based upon conclusions of evaluation process by September 15, 2006.

**Core Business Activity: Reinstitution of Capacity Restrictions at O'Hare**

In conjunction with AEP, initiate rulemaking or other actions designed to relieve flight delays at O'Hare Airport

**Target:**

Target 1: Submit final rule addressing O'Hare congestion to

OST in accordance with client schedules.

**Core Business Measure:**

**Procurement and Acquisition Related Legal Services**

Provide primary clients with legal advice and representation of FAA's interests relating to FAA acquisition of systems and services needed to achieve agency's strategic goals.

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**Core Business Function: Procurement Services and Dispute Resolution for Acquisition Services**

Procurement counsel provides primary clients with legal advice and representation of FAA's interests relating to FAA acquisition of systems and services needed to achieve agency's strategic goals. Ensures the legal sufficiency of acquisition documents; assist clients in developing a rational basis for acquisition decisions; and represent and defend the agency when acquisition decisions are challenged. Independently of Procurement Counsel, the Office of Dispute Resolution for Acquisition (ODRA) serves as the Administrator's administrative adjudicatory body in acquisition-related matters and ensures that acquisition conflicts are resolved through alternative dispute resolution processes or promptly adjudicated. ODRA provides timely, efficient and accessible dispute resolutions processes to resolve acquisition related conflicts.

**Core Business Activity: Prioritize Provision of Procurement Legal Resources and Timely Document Review**

Ensure that procurement legal services are provided in a manner that reflects agency and primary client priorities, provides timely review of procurement

documents and represents the agency in bid protests and contract disputes.

**Targets:**

Target 1: Meet monthly with primary clients to formally identify priorities, address type of legal support needed to advance the projects, obtain client feedback on support provided and, as necessary, reassess service being provided.  
Target 2: To provide timely provision of procurement legal services, review all procurement documents within 10 days or less.

**Core Business Activity: Other Transaction Agreements**

Provide training and guidance to agency employees and private stakeholders on FAA's authority to enter into Other Transaction Agreements.

**Target:**

Target 1: Hold training sessions at the Technical Center and FAA Headquarters and at least one public meeting in Washington, DC with interested private stakeholders on OTA authority. Hold a training session at the Technical Center by December 2005.

**Core Business Activity: Intellectual Property**

Provide training and guidance to agency employees on intellectual property.

**Targets:**

Target 1: Update FAA Order 3450.22A. Complete initial draft of the updated order by November 15, 2005.  
Target 2: In conjunction with the Office of Knowledge Management at the FAA Technical Center, design and implement a training program for agency employees on intellectual property. Conduct the first training session at the Technical Center by

December 2005.

**Core Business Activity: Improve Support Service Contracts Practices**

Propose revised AMS policy on service contracts designed to reduce cost of support service contracts.

**Targets:**

Target 1: Draft revisions prepared by December 2005. Target 2: Revisions to AMS completed by June 2006.  
Target 3: By March 31, 2006, train all procurement personnel on integrity of the procurement process, changes in how FAA procures support services, and significant contract administration issues.

**Core Business Activity: Office of Dispute Resolution for Acquisition**

ODRA will increase the use of dispute avoidance and early resolution techniques and decrease need for formal adjudicative decisions by increasing educational efforts concerning the benefits of early dispute resolution.

**Target:**

Target 1: Conduct at least three instructional seminars during FY 2006 for public and private sector stakeholders.

**Core Business Activity: Improve ODRA Functions and Services**

ODRA will improve its services by modernizing its functions.

**Target:**

Target 1: Identify a private legal research organization to publish ODRA decisions and, if feasible, begin publishing decisions by September 30, 2006.

## **International Leadership**

In order to ensure the continued leadership of

the U.S. in global civil aviation system, the Office of the Chief Counsel provides legal services relating to drafting and negotiation of International agreements on safety oversight, air traffic, airworthiness, technical assistance, and other areas related to aviation safety; provides legal support on aircraft hijackings and other security matters related to international civil aviation; prepares the U.S. position on matters before the International Civil Organization; provides legal policy guidance on registration of aircraft and recordation of property rights in aircraft; and provides legal support for all matters involving the administration of the Aviation Insurance Program; acts as the AGC emergency planner.

In addition to providing legal support to the client offices, AGC has led several important initiatives in the international arena during the last two business planning cycles. Chief among them was leading the implementation process for the Cape Town Treaty. The treaty established an international registry for security interests in aircraft. AGC developed a strategy to inform other states about the treaty and drafted regulations required to make the FAA Civil Aviation Registry the U.S. entry point for authorized transmissions to the international registry. Another important initiative was the development of an export control database of aviation and NAS technologies and their respective export control status. The database allows agency personnel to accurately and efficiently determine what U.S. technologies may be made available to foreign nationals or entities.

## **Core Business Measure:**

### **International Legal Services**

Provide legal services relating to drafting and negotiation of international agreements; prepares the U.S. position on matters before the International Civil Organization; and provides legal support for the Aviation Insurance Program

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## **Core Business Function: Support Client Offices**

Support client offices through the provision of international legal services. Provide legal services to ensure priorities of the Administrator, flight plan and primary clients are met.

### **Core Business Activity: Provide International Legal Services**

Ensure that international legal services are provided in a manner that reflects the priorities of the Administrator, the flight plan and the offices' primary clients.

#### **Target:**

Target 1: AGC-7 will meet on a monthly basis with primary clients to formally identify priorities, address type of legal support needed to advance the projects, obtain client feedback on support provided and, as necessary, reassess service being provided.

### **Core Business Activity: Bilateral Aviation Safety Agreements**

Develop policies and procedures to support the implementation of Bilateral Aviation Safety Agreements through the use of contracts rather than international agreements.

#### **Targets:**

Target 1: Complete research on the applicable law by the end of the first quarter of FY 2006.

Target 2: Complete development of the policies and procedures by the end of FY 2006.

### **Core Business Activity: CARICOM Legal Working Group**

Advise the CARICOM Legal Working Group in the correlation of national aviation safety laws and regulations of seven countries and the preparation of a report on the best means of coordinated enforcement activities within the CARICOM Region.

**Target:**

Target 1: Work will be initiated in April - May 2006, first milestone will be a working group meeting for initial correlation effort and beginning of an (estimated) 10-chapter report.

**Core Business Activity: 14 C.F.R. Part 129**

Review for legal sufficiency amendments to 14 C.F.R. Part 129 designed to improve the FAA's management of operations specifications issued to foreign air carriers. The amendments would clarify the requirement that foreign air carriers. The amendments would clarify the requirement that foreign air carrier hold operations specifications, and provide additional detail on the content of the operations specifications and the process for their issuance, amendment, suspension, or revocation

**Targets:**

Target 1: Complete review of the draft NPRM by the end of the second quarter of FY 2006.

Target 2: Complete review of comments received by the end of FY 2006.

## Organizational Excellence

In support of the agency's overall goal of organizational excellence, AGC will build on its previous efforts to improve both the agency's personnel practices and handling of EEO complaints. First, in order to proactively prevent legal problems before they occur, AGC will pursue a memorandum of understanding with AHR and ACR to ensure early and active legal involvement in development of major personnel and civil rights policies. Second, during our last two business planning cycles AGC sought to improve the agency's handling of EEO cases by developing settlement procedures and guidance for EEO cases and a Best Practices Manual for representing the agency in EEO cases. This year we will continue our improvement efforts by focusing attention on the quality of our motion practice

as a means of improving our efficiency in handling EEO cases. Finally, AGC will develop management training addressing post-Adarand issues, and will develop an employment law policy and case bulletin system. In addition to improvements in the personnel and EEO process, AGC will continue its effort to automate the filing of financial disclosure forms by agency employees.

To improve on our own organizational excellence, AGC will continue to build on previous internal initiatives. Much was accomplished over the past few business cycles: establishment of an AGC intranet site; development and posting of standard document on the intranet; development of an employee training curriculum, development and implementation of an honorary awards program for AGC employees, improvement in internal communications, such as the intranet, regular all hands meetings, major subject matter legal training conferences, and reinstitution of Chief Counsel Office Management meetings; development of an office audit and evaluation program; and finally, development of a preliminary process to allocate scarce resources. At the same time, lack of funding has essentially halted both our efforts to implement an electronic tracking and document management system and to conduct a formal recruitment program.

Our future path to organizational excellence will continue to reflect input received from the Employee Attitude Survey (EAS). Following the last agency-wide administration of EAS, AGC took the unusual step of re-administering the EAS to our employees. The purpose of the re-administration was to encourage broader participation and ensure that we were addressing issues of wide concern to our staff. AGC's participation rate increased from 37% to nearly 55%. Results of the EAS were reported out at an all hands meeting by the Chief Counsel and managers held feedback sessions with staff. Linking our EAS efforts to on-going business initiatives, the office focused on three areas of improvement: increased employee recognition, conflict management, and training. In FY 05 AGC implemented its formal honorary recognition program for employees. Moreover, AGC conducted separate management and two staff training



separate management and two staff training courses on conflict management. Finally, AGC developed an initial training curriculum and extended significant training opportunities to many staff members. AGC conducted mandatory plain language training for its entire headquarters staff, provided ISO 9000 training to relevant staff, provided modest training funds for necessary recurrent training to regional offices and headquarter divisions, and hosted and conducted recurrent subject matter training conferences for enforcement and compliance staff (the first in nine-years) and our airport and environmental staff. By the end of FY 05, we will have hosted and conducted recurrent subject matter training conferences in procurement law and personnel and labor law. During FY 06, AGC will modify its EAS activity to reflect the results of the 2005 interim survey and will continue its employee training activity.

## **Flight Plan Performance Target:**

### **Employee Attitude Survey**

Increase Employee Attitude Survey scores in the areas of management effectiveness and accountability by at least 5 percent by FY 2010. FY06 Target: 3 percent.

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#### **Strategic Initiative: Conflict Management**

Undertake a timely and effective corporate approach to conflict management.

##### **Strategic Activity: Support Agency Conflict Management Process**

Provide policy direction, expertise and legal support for the Early Dispute Resolution Center and other FAA ADR programs.

##### **Targets:**

Target 1: Meet with the EDRC to determine whether AGC has duties suitable for inclusion in the EDRC data and analysis system by 05/31/06.

Target 2: Meet with the EDRC to define alignment between AGC's Alternative Dispute Resolution program and the EDRC by 12/31/05.

#### **Strategic Initiative: EAS Action Plan**

Monitor and evaluate Employee Attitude Survey (EAS) Action Plan results.

##### **Strategic Activity: EAS Action Plan**

Monitor and assess implementation of EAS actions to address employee feedback and improve organizational effectiveness, performance, and accountability.

##### **Targets:**

Target 1: Update, where necessary, EAS Action Plan to incorporate Interim EAS 2005 results.  
Target 2: Provide executive report-out when required.

## **Flight Plan Performance Target:**

### **Cost Control Program**

Each FAA organization will contribute at least one measurable and significant cost reduction and/or productivity improvement activity each year, including but not limited to, cost efficiencies in the areas of: strategic sourcing for selected products and services; complete consolidation of facilities and services such as accounting offices, real property management, helpdesks, and Web services; and elimination or reduction of FAA use of obsolete technology by either removing from service or transferring from Federal operation 100 Navajds. FY06 Target: 100 percent compliance.



## **Strategic Initiative: Cost Control Program**

Implement line of business-specific cost reduction and/or productivity improvement initiatives as well as agency-wide initiatives.

### **Strategic Activity: AGC Cost Control Activity**

The average grade for attorneys hired over the last three years was equivalent to a FG-13/8. With the hiring freeze lifted, for each attorney that AGC will hire at the FG-11, rather than the FG-13 level, AGC will realize an estimated annual savings at the end of the second quarter.

#### **Target:**

Target 1: Monitor and track hiring activities.

## **Strategic Initiative: Productivity and Financial Metrics**

Each FAA organization will develop and implement productivity and/or financial metrics to measure its efficiency.

### **Strategic Activity: AGC Productivity Measure**

AGC will work with ABA to determine the applicability or viability of a productivity measure for legal support services.

#### **Target:**

Target 1: Meet with ABA by January 2006 to identify a productivity activity and appropriate targets.

## **Core Business Measure:**

### **Personnel & Labor Law Legal Services**

Represent the FAA in administrative and court litigation having a significant impact on any law, regulation, or FAA policy relating to the employment of FAA personnel and provides legal

advice regarding employment matters.

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## **Core Business Function: Legal Services in Labor and Personnel Law**

Provide legal services and representation in a manner reflecting agency priorities and continue to identify ways of minimizing the FAA's legal risk relating to employment decisions and policy. Will meet on a monthly basis with primary clients to formally identify priorities, address type of legal support needed to advance the projects, obtain client feedback on support provided and, as necessary, reassess services being provided.

### **Core Business Activity: EEO Case Motion Practice**

Focus attention on motion practice to improve efficiency and effectiveness of EEO case handling.

#### **Target:**

Target 1: Track motion practice in EEO cases referred to the Office of the Chief Counsel in which a hearing has been requested by developing a check-box form to identify motions filed. If a determination is made not to file a dispositive motion, the reason for that determination will be succinctly documented on the form.

### **Core Business Activity: Develop Training for Managers and Supervisors on the Legal Restrictions in Employment Decision Making in the post-Adarand Era.**

Develop a training module for managers and supervisors explaining the legal restrictions to considering race, national origin, sex and other protected categories in hiring, promotion, and other employment decisions.

#### **Targets:**

Target 1: Establish work group, consisting of attorneys in

Headquarters and Regional offices, designate team lead, identify existing related training, consult with agency training specialists, draft training module and circulate to Regional/Center Counsel and ACR and AHR for comment by December 31, 2005.

Target 2: Reconcile comments and finalize module; initiate training by March 31, 2006.

#### **Core Business Activity: Develop Policy and Case Bulletin System**

Establish process for distributing important personnel and labor law case and policy information.

##### **Targets:**

Target 1: Establish work group, consisting of attorneys in Headquarters and Regional offices; designate team lead; develop guidance, approval process and format for issuing bulletins; circulate for comment to Regional/Center Counsel by December 31, 2005.  
Target 2: Reconcile comments from Regional/Center Counsel, finalize and implement system by March 31, 2006.

#### **Core Business Activity: Establish Process for AGC Involvement in Major ACR and AHR Policy Development**

Complete Memorandum of Understanding or other appropriate means, with AHR and ACR to ensure appropriate notice to and involvement of AGC in development of major AHR and ACR policy.

##### **Target:**

Target 1: Draft MOU for AGC involvement in AHR and ACR policy development and negotiate with AHR and ACR by June 30, 2006.

### **Core Business Measure:**

## **General Legal Services & Other Legal Services**

Various small practice areas related to administrative requirements imposed on the agency by statute or that ensure the smooth operation of the agency, including Ethics, FOIA, Privacy Act, Federal Advisory Committee Act, Alternative Dispute Resolution and Legislation.

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#### **Core Business Function: Advice & Representation on Matters Related to General Law**

Provide legal services related to Ethics, FOIA, Privacy Act, Alternative Dispute Resolution and Legislation and improve internal operations.

##### **Core Business Activity: Advice & Representation On Matters Related to General Law.**

Provide legal services related to Ethics, FOIA, Privacy Act, Alternative Dispute Resolution and Legislation and improve internal operations.

##### **Target:**

Target 1: Provide timely legal services.

##### **Core Business Activity: Implement Audit and Evaluation Program**

Improve the quality of legal services through formal audit and evaluation program.

##### **Target:**

Target 1: Conduct two audits consistent with the AGC audit and evaluation program.

##### **Core Business Activity: Office Automation**

Integrate automation within AGC.

##### **Target:**

Target 1: Subject to appropriations, hire IT project manager by end of second quarter.

Target 2: Utilizing assessment project completed in FY 05 have IT Manager develop an implementation schedule by third quarter and take first steps.

### **Core Business Function: AGC Efficiency Measure**

The number of enforcement cases ongoing, opened and closed per year in AGC in order to determine allocation of attorney resources.

#### **Core Business Activity: Efficient Allocation of Attorney Resources In Enforcement**

The number of enforcement cases ongoing, opened and closed per year in AGC in order to determine allocation of attorney resources.

#### **Targets:**

Target 1: Evaluate monthly report enforcement data and determine trends in case processing by 3/31/06.

Target 2: Determine average elapsed time for case closure in each region by 3/31/06.

Target 3: Collect a random sampling of identified enforcement documents from each region and evaluate the quality of each document and its consistency with guidance in Order 2150.3B by 6/30/06.

Target 4: Compare and analyze data (milestones 1 & 2) from regions involved in the redistribution of workload to determine any improvements in case processing, and the quality of enforcement documents based on the evaluation under milestone 4 by 9/30/06.

### **Core Business Activity: AVSED Support**

Work in collaboration with the Aviation and Space Education (AVSED) Outreach Programs.

#### **Target:**

Target 1: Provide AVSED national and regional managers with program legal guidance on initiatives as needed by September 30, 2006.

### **Core Business Function: AVSED Support**

Work in collaboration with the Aviation and Space Education (AVSED) Outreach Programs